



## Legislative Bulletin.....September 29, 2004

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### **Summary of the Bills Under Consideration Today:**

**Total Number of New Government Programs:** 1

**Total Cost of Discretionary Authorizations:** \$344.0 million over 5 years

**Effect on Revenue:** 0

**Total Change in Mandatory Spending:** An estimate of the mandatory spending effects of H.R. 5149 is unavailable.

**Total New State & Local Government Mandates:** 1

**Total New Private Sector Mandates:** 0

**Number of Bills Without Committee Reports:** 5

**Number of Reported Bills that Don’t Cite Specific Clauses of Constitutional Authority:** 3

## **H.R. 5149 - To reauthorize the Temporary Assistance for Needy Families block grant program through March 31, 2005 (Herger)**

**Order of Business:** The bill is scheduled to be considered on Wednesday, September 29, 2004, under a motion to suspend the rules and pass the bill.

**Summary:** The bill extends until March 31, 2005, federal welfare programs now set to expire on September 30, 2004. In the 107<sup>th</sup> Congress (H.R. 4737) and in the 108<sup>th</sup> Congress (H.R. 4), the House passed complete welfare reauthorization bills. The Senate did not consider the 107<sup>th</sup> bill and has yet to consider the 108<sup>th</sup> bill. Until a welfare reauthorization bill is signed into law, the welfare programs, which are mandatory spending, expire. This bill, if signed into law, will temporarily continue the programs (last authorized in 1996) at the second quarter 2004 levels.

The bill also extends the national random sample study of child welfare and child welfare waiver authority through March 31, 2005, at the second quarter 2004 levels.

**Additional Information:** In the 108<sup>th</sup> Congress, on February 13, 2003, the House passed H.R. 4, 230-192, to reauthorize the welfare programs for five years (<http://johnshadegg.house.gov/rsc/LB21303.pdf> <http://clerk.house.gov/evs/2003/roll030.xml>). The Senate has yet to consider a welfare reauthorization. Without Senate reauthorization, Congress has voted four times to temporarily extend the welfare programs:

- H.R. 2350, which passed the House 406-6 on June 11, 2003, (<http://clerk.house.gov/evs/2003/roll261.xml>) and was subsequently signed into law, extended TANF through September 2003;
- H.R. 3146, which passed the House by voice vote on September 24, 2003, and was signed into law, extended the program through March 31, 2004;
- S. 2231, which passed the House by voice vote on March 30, 2004, extended the program through June 30, 2004; and
- H.R. 4589, which passed the House by voice vote on June 22, 2004, extended the program through September 30, 2004.

**Committee Action:** On September 24, 2004, the Senate passed the bill by unanimous consent, and it was referred to the House Ways and Means and Energy and Commerce Committees, neither of which has considered the bill.

**Cost to Taxpayers:** A CBO cost estimate is unavailable.

**Does the Bill Create New Federal Programs or Rules?:** No, the bill extends current TANF (welfare) programs for an additional six months.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** Committee reports citing authority are unavailable.

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## **H.R. 4768—Veterans Medical Facilities Management Act of 2004 (Simmons)**

**Order of Business:** The bill is scheduled for consideration on Wednesday, September 29<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 4768 would authorize the Secretary of Veterans Affairs to enter into 16 leases for medical facilities. The total authorization for the leases for fiscal year 2005 is \$24.420 million. The VA is also authorized to enter into a long-term lease (up to 75 years) for land to construct a new medical facility on the Fitzsimons Campus of the University of Colorado in Aurora, Colorado.

The bill also gives the Secretary of Veterans Affairs authority to transfer unneeded property to another federal agency, a State, or any public or private entity. The VA would receive fair market value for the transfer, the funds from which would be deposited into a new “Capital Asset Fund.” The fund would be used to defray the VA’s cost of the transfer (such as demolition, environmental remediation, or repair). H.R. 4768 authorizes an initial appropriation of \$10 million for the fund. The bill also specifies the procedures that must be followed when transferring a property.

H.R. 4768 also includes the following provisions:

- Requires an annual inventory and report to Congress on VA historic properties.
- Authorizes the use of project funds to construct or relocate surface parking.
- Exempts the VA from state and local land use laws under the enhanced-use lease authority.
- Extends the long-term care demonstration project for one additional year (until December 31, 2005).
- Reduces the amount authorized to establish four National Medical Emergency Preparedness Centers from \$20 million to \$10 million per year. Requires the Secretary to establish a peer review panel to determine the location of the centers.

**Additional Background:** The VA is prohibited from expending funds for leases in excess of \$600,000 per year unless the lease has been specifically authorized. All of the leases authorized by H.R. 4768 exceed \$600,000.

**Committee Action:** H.R. 4768 was introduced on July 7, 2004, and referred to the Committee on Veterans’ Affairs. The Subcommittee on Health approved the bill by voice vote on July 8 and the Full Committee reported the bill by voice vote on July 21.

**Cost to Taxpayers:** H.R. 4768 authorizes \$34.420 million in new spending and reduces currently authorized spending by \$10 million for fiscal year 2005. The Congressional Budget Office estimates that the bill will cost \$25 million in 2005 and \$168 million over the 2005-2009 period, subject to appropriations.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** Yes, the bill contains a state and local government mandate (preempting state and local land use laws on property leased by the VA).

**Constitutional Authority:** The Committee on Veterans' Affairs, in House Report 108-663, cites Article I, Section 8, but fails to cite a specific clause.

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## **H.R. 4231—Department of Veterans Affairs Nurse Recruitment and Retention Act of 2004 (Simmons)**

**Order of Business:** The bill is scheduled for consideration on Wednesday, September 29<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 4231 would establish a new pilot program determine the effectiveness of innovative tools to recruit nurses. The Secretary of Veterans Affairs would select a region or section for the pilot program that has been adversely affected by a shortage of qualified nurses in VA health care facilities. The Secretary would enter into a contract with a private-sector entity to recruit nurses. The pilot project must examine recruitment practices that have proven effective in the private sector and must reduce the length of the hiring process.

The bill also contains other provisions intended to help recruit and retain nurses, including:

- Allowing a new 36/40 alternative work schedule for registered nurses, where three 12-hour tours of duty would be considered a full 40-hour workweek.
- Allowing a new 7/7 alternative work schedule for registered nurses, where seven 10-hour tours of duty within a two-week pay period would be considered a full 80-hour pay period.
- Allowing a nine month alternative work schedule for registered nurses, where a nurse could work full-time for nine months and would be considered a  $\frac{3}{4}$  full-time equivalent.
- Preventing a nurse applicant from being denied appointment on the basis of a lack of a baccalaureate degree in nursing.
- Requiring the VA to make payments to States to assist state veterans homes in hiring and retaining nurses.

H.R. 4231 would also eliminate the requirement that the Under Secretary of Health be a doctor of medicine.

**Committee Action:** H.R. 4231 was introduced on April 28, 2004, and referred to the Committee on Veterans' Affairs. The Subcommittee on Health approved the bill by voice vote on May 13. The Full Committee favorably reported the bill by voice vote on May 19.

**Cost to Taxpayers:** The Congressional Budget Office estimates that H.R. 4231 would cost \$33 million in fiscal year 2005 and \$307 million over the 2005-2009 period, subject to appropriations.

**Does the Bill Expand the Size and Scope of the Federal Government?:** Yes, the bill creates a new pilot program.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** The Committee on Veterans' Affairs, in House Report 108-538, cites Article I, Section 8, but fails to cite a specific clause.

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**H.Res. 759—Commending the Festival of Children Foundation for its outstanding efforts on behalf of children and expressing the support of the House of Representatives for the designation of a “Child Awareness Month” (Rohrabacher)**

**Order of Business:** The resolution is scheduled for consideration on Wednesday, September 29<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Res. 759 resolves that the House:

“(1) commends the Festival of Children Foundation for its outstanding efforts on behalf of children;

“(2) expresses its support for the designation of a “Child Awareness Month” in the United States; and

“(3) encourages others across the Nation, including local governments, non-profit organizations, businesses, volunteers, and philanthropists, to look at the Festival of Children in California as a model to emulate for the support of those groups devoted to children in their own communities.”

**Additional Background:** According to the resolution, the Festival of Children Foundation has been established in southern California “(1) to showcase those non-profit groups performing exemplary works, so that they may through increased exposure secure and sustain the volunteer, leadership, and financial support necessary to be successful, (2) to provide a free resource to such groups so that they might more easily leverage scarce resources through creative, collaborative efforts to serve their shared constituencies for the betterment of the community at large, and (3) to provide a free and effective platform to facilitate such groups sharing lessons learned in bringing a results orientation to community mobilization, strategic planning, and overall best practices.” The Orange County, California Board of Supervisors

and the California State Legislature have previously taken official actions commending the Festival of Children and recognizing September as “Child Awareness Month.”

**Committee Action:** H.Res. 759 was introduced on September 8, 2004, and referred to the Committee on Education and the Workforce. The Committee did not take action on the bill.

**Cost to Taxpayers:** The resolution authorizes no expenditure.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

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### **H.Res. 778—Commemorating the 100<sup>th</sup> anniversary of the birth of William “Count” Basie (*Pallone*)**

**Order of Business:** The resolution is scheduled for consideration on Wednesday, September 29<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Res. 778 resolves that the House:

- “(1) commemorates the 100th anniversary of the birth of William “Count” Basie; and
- “(2) acknowledges the important contributions of William “Count” Basie to jazz and swing music.”

**Additional Background:** Renowned pianist and bandleader William “Count” Basie was born in Red Bank, New Jersey, on August 21, 1904. His most famous pieces included “One O'clock Jump”, “Swingin' the Blues”, “Jumpin' at the Woodside”, “April in Paris”, “Shiny Stockings”, and “Every Day I Have the Blues.”

**Committee Action:** H.Res. 778 was introduced on September 17, 2004, and referred to the Committee on Education and the Workforce. The Committee did not consider the resolution.

**Cost to Taxpayers:** The resolution does not authorize any expenditure.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

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**H.Res. 792—Honoring the United Negro College Fund on the occasion of the Fund’s 60<sup>th</sup> anniversary (*George Miller*)**

**Order of Business:** The resolution is scheduled for consideration on Wednesday, September 29<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Res. 792 resolves that the House “recognizes the United Negro College Fund, on the occasion of its 60th anniversary, for the Fund's outstanding commitment towards providing a quality education for minority and low-income students and towards strengthening our communities.”

**Additional Background:** The United Negro College Fund was founded on April 26, 1944, with 27 member colleges and is the Nation's largest, oldest, most successful, and most comprehensive minority higher education assistance organization. Over 60 years, the United Negro College Fund has raised more than \$2.3 billion to assist a total of more than 300,000 students attend college.

**Committee Action:** The resolution was introduced on September 22, 2004, and referred to the Committee on Education and the Workforce. The Committee did not consider the resolution.

**Cost to Taxpayers:** The resolution does not authorize any expenditure.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

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**H.Con.Res. 501—Honoring the life and work of Duke Ellington, recognizing the 30<sup>th</sup> anniversary of the Duke Ellington School of the Arts, and supporting the annual Duke Ellington Jazz Festival (*Del. Norton*)**

**Order of Business:** The resolution is scheduled for consideration on Wednesday, September 29<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Con.Res. 501 resolves that Congress  
“(1) honors the life and work of Duke Ellington and his immortal contributions to American and world music;  
“(2) recognizes the Duke Ellington School of the Arts in Washington, D.C., on the occasion of its 30th anniversary; and  
“(3) supports the annual Duke Ellington Jazz Festival to be held in Washington, D.C., beginning in 2005.”

**Additional Background:** Edward Kennedy “Duke” Ellington was born on April 29, 1899 in Washington, D.C. After his death on May 24, 1974, Western High School in Washington, D.C. was renamed the Duke Ellington School of the Arts. The school is celebrating its 30<sup>th</sup> anniversary this year.

**Committee Action:** The resolution was introduced on September 28. It was not considered by any committee.

**Cost to Taxpayers:** The resolution does not authorize any expenditure.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

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### **H.R. 4731—To amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program (Gerlach)**

**Order of Business:** The bill is scheduled for consideration on Wednesday, September 29<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 4731 would reauthorize the National Estuary Program at the Environmental Protection Agency at \$35 million per year through fiscal year 2010.

**Additional Background:** Congress established EPA’s National Estuary Program in 1987 to improve the quality of estuaries of national importance. An estuary is a partially enclosed body of water formed where freshwater from rivers and streams flows into the ocean, mixing with the salty seawater.

The President’s FY05 budget request for the National Estuary Program was \$19.229 million.

**Committee Action:** H.R. 4731 was introduced on June 25, 2004, and referred to the Committee on Transportation and Infrastructure. The Subcommittee on Water Resources and Environment approved the bill by voice vote on July 15 and the Full Committee favorably reported the bill by voice vote on July 21.

**Cost to Taxpayers:** H.R. 4731 authorizes \$210 million over fiscal years 2005-2010 (\$175 million over five years). The Congressional Budget Office estimates that the bill would cost \$112 million over the 2006-2010 period, subject to appropriations.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** The Committee on Transportation and Infrastructure, in House Report 108-678, cites Article I, Section 8, but fails to cite a specific clause.

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**H.R. 5105—To authorize the Board of Regents of the Smithsonian Institution to carry out construction and related activities in support of the collaborative Very Energetic Radiation Imaging Telescope Array System (VERITAS) project on Kitt Peak near Tucson, Arizona (Ney)**

**Order of Business:** The bill is scheduled to be considered on Wednesday, September 29<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 5105 would authorize \$1 million for fiscal year 2005 for the Board of Regents of the Smithsonian Institution to carry out construction and related activities in support of the Very Energetic Radiation Imaging Telescope Array System (VERITAS) project on Kitt Peak near Tucson, Arizona.

**Additional Background:** VERITAS is a telescope that detects very high energy gamma-rays from deep-space objects and phenomena (such as black holes, supernovas, and distant clusters of galaxies). For more information on VERITAS, visit this webpage:  
<http://veritas.sao.arizona.edu/>

**Committee Action:** On September 17, 2004, the bill was referred to the Transportation and Infrastructure Committee, which took no official action on it.

**Cost to Taxpayers:** The bill would authorize \$1 million in FY2005.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** A committee report citing constitutional authority is unavailable.

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**H.R. 3124—F.H. Newell Building Designation Act (Otter)**

**Order of Business:** The bill is scheduled to be considered on Wednesday, September 29<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 3124 would designate the facility of the United States Geological Survey and the United States Bureau of Reclamation, located at 230 Collins Road, Boise, Idaho, as the “F.H. Newell Building.”

**Additional Background:** F.H. Newell was the first “Hydrographer in Charge” of the U.S. Geological Survey and the second Director of the United States Reclamation Service, later the Bureau of Reclamation. In the early 20<sup>th</sup> Century, Mr. Newell was known as the leading expert on water projects in Idaho.

**Committee Action:** On September 17, 2003, the bill was referred to the Transportation and Infrastructure Committee, and on the next day, the bill was referred to the Subcommittee on Economic Development, Public Buildings and Emergency Management. Neither body took official action on it.

**Cost to Taxpayers:** The only costs associated with a federal building renaming are those for sign and map changes, none of which significantly affect the federal budget.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** Although no committee report citing constitutional authority is available, Article IV, Section 3, Clause 2 of the Constitution grants Congress the authority to “dispose of and make all needful Rules and Regulation respecting the Territory or other Proper belonging to the United States.”

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## **H.R. 1402—Garza-Vela United States Courthouse Designation Act (*Ortiz*)**

**Order of Business:** The bill is scheduled to be considered on Wednesday, September 29<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 1402 would designate the U.S. courthouse, located at the corner of Seventh Street and East Jackson Street in Brownsville, Texas, as the “Garza-Vela United States Courthouse.”

**Additional Background:** Judge Reynaldo Garza was the nation's first Hispanic federal judge, and Filemon Vela is a federal district judge in Texas.

**Committee Action:** On March 20, 2003, the bill was referred to the Transportation and Infrastructure Committee, and on the next day, the bill was referred to the Subcommittee on Economic Development, Public Buildings and Emergency Management. Neither body took official action on it.

**Cost to Taxpayers:** The only costs associated with a federal building renaming are those for sign and map changes, none of which significantly affect the federal budget.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** Although no committee report citing constitutional authority is available, Article IV, Section 3, Clause 2 of the Constitution grants Congress the authority to “dispose of and make all needful Rules and Regulation respecting the Territory or other Proper belonging to the United States.”

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## **H.R. 3193—District of Columbia Personal Protection Act (Souder)**

**Order of Business:** The bill is scheduled to be considered on Wednesday, September 29<sup>th</sup>, subject to a closed rule (H.Res. 709). Under a closed rule, no amendments may be offered on the House floor. H.Res. 709 allows one motion to recommit the bill, with or without instructions.

**Summary:** H.R. 3193 would repeal the following firearms bans in District of Columbia homes and businesses:

- The ban on semiautomatic firearms;
- The ban on all firearms (not at businesses or at home for “lawful recreational purposes”) that are not stored “unloaded and disassembled or bound by a trigger lock or similar device;”
- The ban on most citizens’ possessing handgun ammunition; and
- The ban on possessing or receiving a firearm without a registration certificate.

The bill would repeal the current processes and requirements for the issuance, denial, or revocation of a gun registration certificate, including the current language that prevents the issuance of certificates for handguns after September 24, 1976. Criminal penalties for carrying a pistol in one’s own home, business, or land would also be repealed (but only for citizens who have not previously been convicted of unlawfully carrying a pistol or of any felony).

H.R. 3193 would also strip the District of Columbia Government of the authority to enact laws or regulations that “discourage or eliminate the private ownership or use of firearms.”

The bill contains six congressional findings, including: “The Second Amendment to the United States Constitution protects the rights of individuals, including those who are not members of a militia or engaged in military service or training, to keep and bear arms.”

**NOTE:** The bill sponsor has pointed out that the following things (for example) would still be illegal under this legislation:

- carrying a firearm outside one's own property, either openly or concealed;
- possessing or using a firearm while committing a crime of violence;
- possessing a firearm if you are a drug addict, convicted felon, or a person convicted of various public order offenses (such as vagrancy);
- possessing machine guns, sawed-off shotguns, or short-barreled rifles; and
- manufacturing firearms or ammunition in DC.

**Additional Background:** The Federal Gun Control Act of 1968 (as amended by the Firearms Owners' Protection Act of 1986) and the Brady Handgun Violence Prevention Act of 1993 extensively regulate firearms possession, ownership, and use in the District of Columbia—and everywhere in the United States. Existing District of Columbia criminal laws punish possession and illegal use of firearms by violent criminals and felons. H.R. 3193 would only affect law-abiding citizens.

**Committee Action:** On September 25, 2003, the bill was referred to the Government Reform Committee, which took no official action on it.

**Administration Position:** The Administration has not expressed a position on this bill.

**Cost to Taxpayers:** The bill would have no effect of the federal budget.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No—because Article I, Section 8, Clause 17 grants Congress the power to “exercise exclusive legislation in all cases whatsoever” over the District of Columbia.

**Constitutional Authority:** Although a constitutional authority statement is unavailable, Article I, Section 8, Clause 17 of the Constitution grants Congress the power to “exercise exclusive legislation in all cases whatsoever” over D.C.

**Outside Organizations:** The National Rifle Association is strongly supporting this legislation.

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